

REMARKS

Claims 1-27 are pending in the application.

Claims 1-17 and 20-27 have been rejected.

Claims 18-20 are objected to.

Claims 1, 6-8, 13, 16, 21 and 25 have been amended, as set forth herein.

I. INDICATED ALLOWABILITY OF CLAIMS 18-20

Applicant thanks the Examiner for the indication that Claims 18-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, at this time, Applicant has not elected to rewrite these claims in light of the claim amendments above and remarks below.

II. REJECTION UNDER 35 U.S.C. § 112

Claims 6-8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The rejection is respectfully traversed, however, these claims have been amended to recite that the step of self-selecting comprises another element.

Applicant believes these claims are now definite, and Applicant respectfully requests withdrawal of the § 112 rejection of Claims 6-8.

III. REJECTION UNDER 35 U.S.C. § 102

Claims 1-5, 9-17, 21-22 and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lewis (US Patent Application Publication No. 2004/0032844). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed.

Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

To further prosecution, Applicant has amended Claim 1 to recite “self-selecting a home agent in response to receiving the registration information.” Lewis’ Figure 8A and paragraphs 0081-0082 (cited by the Office Action) clearly disclose and describe that the “control node” operates for selecting a foreign agent to service the mobile client’s registration request. Thus, the cited portions of Lewis fail to disclose, describe, suggest or teach self-selecting a home agent as recited in Applicant’s claimed invention. Further, none of Lewis’ paragraphs 0081-0083 describe selecting a home agent for the mobile device, but are directed exclusively to the selection of a foreign agent to service the mobile device.

Independent Claim 21 has been similarly amended and now recites an apparatus including “means for self-selecting the apparatus as a home agent in response to receiving the registration information.” Likewise, the cited portions of Lewis fail to address self-selecting a home agent for the mobile device.

Independent Claims 13, 16 and 25 have been amended to recite “receiving registration information at a home agent” or “means for receiving registration information at a home agent.” The cited portions of Lewis describe receiving a registration request at a control node 220 for selecting one of the foreign agents to service the mobile device as its particular foreign agent. See also, Lewis, Figure 2. In distinct contrast, Applicant’s claimed invention receives registration information at a home agent and either (1) generating a value that falls within a range of numbers in response to receiving the registration information (Claim 13), or (2) identifying the registration information as a retransmission of a registration request in response to receiving the registration information (Claims 16, 25 (means for)). Lewis fails to disclose these element(s).

In view of the foregoing, Lewis fails to anticipate each and every element of Applicant’s independent Claims 1, 13, 16, 21 and 25 (and their dependent claims). Accordingly, the Applicant

respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 1-5, 9-17, 21-22 and 25.

III. REJECTION UNDER 35 U.S.C. § 103

Dependent Claims 23-24 and 26-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis (US Patent Application Publication No. 2004/0032844). The rejection is respectfully traversed.

As noted above, Lewis fails to disclose or describe at least one element in independent Claims 21 and 25 (from which claims 23-24 and 26-27 depend, respectively).

Moreover, the cited portions of Lewis (Figure 2, paragraphs 0003-0004, 00007) merely describe that in a conventional mobile IP system, a mobile device registers with a home agent. This is fundamental. However, there is no suggestion or teaching that Lewis' control node does, should, or can be used to, select a home agent for the mobile device. Thus, Applicant respectfully submits that the Office Action has failed to establish, and cannot establish, a prima facie case that Applicant's claimed invention is obvious in view of Lewis.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims 23-24 and 26-27.

IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

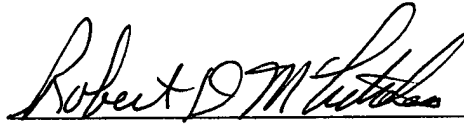
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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